<u>REMARKS</u>

In the Office Action[1], the Examiner rejected claims 1-21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0065951 to Liston et al. ("*Liston*") in view of U.S. Patent No. 6,360,223 to Ng et al. ("*Ng*") further in view of EP 1510952 A1 to Klein et al. ("*Klein*"). Claims 1-21 remain pending in this application.

I. Regarding the rejection of claims 1-21 under 35 U.S.C. § 103(a) as being unpatentable over *Liston* in view of *Ng* further in view of *Klein*

Applicants respectfully traverse the rejection of claims 1-21 under 35 U.S.C. § 103(a) because a *prima facie* case of obviousness has not been established.

To establish a *prima facie* case of obviousness, the prior art references (or references when combined) must teach or suggest all of the claim limitations. *See* M.P.E.P. § 2142, 8th Ed., Rev. 5 (August 2006). Moreover, "in formulating a rejection under 35 U.S.C. § 103(a) based upon a combination of prior art elements, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed." USPTO Memorandum from Margaret A. Focarino, Deputy Commissioner for Patent Operations, May 3, 2007, p. 2.

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[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

A *prima facie* case of obviousness has not been established because, among other things, the prior art, taken alone or in combination, fails to teach or suggest each and every element recited by Applicants' claims.

Claim 1 recites a computer program product, tangibly embodied in an information carrier, comprising instructions operable to cause data processing apparatus to:

> receive a specification of two or more controllers. . .
> derive one or more data dependency relationships from the data mappings, each data dependency relationship being directed from a <u>first controller to a second controller and from the second controller to one model</u>, one data dependency relationship being derived whenever there is at least one data mapping between <u>the first controller and the second controller and between the second controller and the model</u>

(emphasis added). The prior art does not teach or suggest at least these elements.

The Examiner correctly notes that neither *Liston* nor *Ng* "indicate 'receive a specification of two or more controllers' or 'each data dependency relationship being directed from a first controller to a second controller and from the second controller to one model, one data dependency relationship being derived whenever there is at least one data mapping between the first controller and the second controller and between the second controller and the model." (Office Action at page 4). Furthermore, *Klein* is not prior art and cannot be used in the § 103(a) rejection.

Klein is not prior art under 35 U.S.C. § 102(a) because *Klein* is not "a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent." *Klein* was published on March 2, 2005, which is after the U.S. filing date of this application on December 11, 2003. For the same reason, *Klein* is not prior art under 35 U.S.C. § 102(b) because *Klein* is not "a printed publication in this or a foreign country or

in public use or on sale in this country, more than one year prior to the date of application for patent in the United States." Neither is *Klein* prior art under 35 U.S.C. § 102(e) because *Klein* is a foreign patent application and is not "an application for patent ... by another filed in the United States" or "a patent granted on an application for patent by another filed in the United States." Therefore, for at least these reasons, *Klein* cannot be relied upon in the § 103(a) rejection.

Accordingly, *Liston, Ng,* and *Klein* fail to establish a *prima facie* case of obviousness with respect to claim 1, at least because the prior art references fail to teach each and every element of the claim. Claims 2-14 depend from claim 1 and are thus also allowable for at least the same reasons as claim 1.

Independent claims 15, 18, and 21, though of different scope from claim 1, recite limitations similar to those set forth above with respect to claim 1. Claims 15, 18, and 21 are therefore allowable for at least the reasons presented above. Claims 16, 17, 19, and 20 are also allowable at least due to their dependence from claims 15 and 18, respectively.
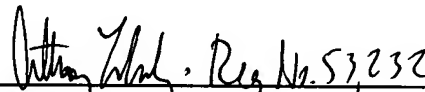
II. Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: _____

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